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VIA ECF

Hon. Peggy Kuo, U.S.M.J.
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Trustees of the Plumbers Local No. 1 Welfare Fund et al. v. Spray in Place Solutions, Inc. et al*, 24 CV 2568 (KAM)(PK)

Dear Judge Kuo,

This firm represents the Plaintiffs in the above-referenced case. We write jointly with counsel for Defendants Spray in Place Solutions, LLC (“SIPS”) and Atlantic Specialty Insurance Company (“ASIC,” together with SIPS, the “Defendants”) in accordance with the Court’s Minute Entry dated August 9, 2024, directing the parties to update the Court on the progress of discovery and to indicate whether court-annexed mediation or a settlement conference would be beneficial. See ECF Doc. No. 17.

As discussed at the August 9, 2024, conference, part of Plaintiff’s claims in this action includes a request for an expanded audit of Defendant SIPS. The parties initially disagreed on whether Plaintiffs were entitled to the period sought in this expanded audit but have been working to resolve the issue. Both parties agree that this matter is likely to settle once an expanded audit is completed.

Following the conference, on September 5, 2024, Defendants sent Plaintiffs a proposed stipulation for audit document production to govern document submission for the expanded audit period. After confirming with the Union the appropriate audit end date, Plaintiffs returned the stipulation with proposed revisions on October 2, 2024 and followed up with Defendants on October 24, 2024. The parties are now close to finalizing the stipulation.

Meanwhile, on September 27, 2024, Plaintiffs served Defendant SIPS with their First Request for the Production of Documents and First Set of Interrogatories, with a response deadline of October 27, 2024. To date, Plaintiffs have not received any responses.



The parties will meet and confer concerning Defendant SIPS' responses to the discovery demands and apprise the Court should any court intervention be necessary.

At this time, Plaintiffs do not believe a settlement conference or mediation would be productive but the parties will advise the Court whether they agree to conduct same once they complete an expanded audit.

We thank the Court for its time and attention to this matter.

Respectfully submitted,

/s/
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Attorneys for Plaintiffs

/s/
Emanuel Kataev, Esq.
Attorneys for Defendants